

0108-354 US-1
Amendment dated 04/23/2012

10/798,845

03100199aa
Reply to office action mailed 12/21/2011

REMARKS

Claims 1 and 3-18 are currently pending in the application. The foregoing separate sheets marked as “Listing of Claims” shows all the claims in the application, with an indication of the current status of each.

The Examiner’s indication that claims 3-15 and 17-18 contain allowable subject matter is acknowledged with appreciation.

The Examiner’s indication that the Woo reference fails to teach the signaling of the automatic detection of the locking state is acknowledged with appreciation.

The Examiner’s consideration in a telephone interview on April 13, 2012, to review grounds for rejection of claims 1 and 16 is acknowledged with appreciation.

INTERVIEW SUMMARY

The interview mainly addressed the Examiner’s statement in the current office action that the specification “fails to disclose the signaling arrangement emits a signal, responsive to the means for automatically detecting the locking state.”

Applicant’s counsel reviewed the specification, and in particular ¶0005, ¶0006 and ¶0009. In ¶0005,

“The signaling arrangement according to the invention thus generates a particular signal which clearly indicates the locking state (locked or unlocked) to the user of the orthopedic aid or provides a warning signal if the locking device is unlocked” (emphasis supplied).

This is followed in ¶0006 with

“In a preferred embodiment of the device of the invention, the orthopedic aid has at least one detection arrangement for detecting the locking state (locking and/or unlocking) of the two parts and for emitting a signal indicating the locking state” (emphasis supplied).

Thus there is a connection between detecting the locking state and emitting a signal.

This connection is stated again in ¶0009:

0108-354 US-1
Amendment dated 04/23/2012

10/798,845

03100199aa
Reply to office action mailed 12/21/2011

"The detection arrangement can be designed to generate the signal electrically as a function of the locking state" (emphasis supplied).

Thus it is clear that the specification discloses that a signal is generated in response to detection of the locking state.

Upon review of this evidence the Examiner agreed that these points were set forth in the specification, and that this ground of rejection would be withdrawn.

In addition, a secondary point was discussed in the interview. This point was the Examiner's contention that the Nijenbanning reference teaches a controller (20) that "must be electromechanical in order to function." Applicant's counsel reviewed item 20 in Fig. 1, where a rectangular button movable within a groove is clearly visible. This is consistent with a standard Bowden cable, where movement of the button by hand is a "displacement mechanism" (col 6, line 34) for moving a wire (not shown) within a cable sheath 21 to effect mechanical locking or releasing of the hinge as described at col. 6, lines 37-39. There is no description or suggestion that this is other than mechanical.

The Examiner, upon review, indicated that he was persuaded that item 20 in the Nijenbanning device operates mechanically, not electromechanically.

Continuation of Remarks

The Examiner had maintained rejection of claims 1 and 16 under 35 U.S.C. §112, first paragraph, as failing "to disclose the signaling arrangement emits a signal, responsive to the means for automatically detecting the locking state." This ground of rejection is respectfully traversed on the basis of the disclosure, in particular the disclosure at ¶0005, ¶0006 and ¶0009, as described in the above Interview Summary.

It is respectfully submitted that the grounds of rejection of claims 1 and 16 have been overcome.

In view of the foregoing, it is requested that the application be reconsidered, that claims 1 and 3-18 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at 703-787-9400

0108-354 US-1
Amendment dated 04/23/2012

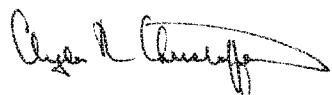
10/798,845

03100199aa
Reply to office action mailed 12/21/2011

(fax: 703-787-7557; email: clyde@wcc-ip.com) to discuss any other changes deemed necessary in a telephonic or personal interview.

Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



Clyde R Christofferson
Reg. No. 34,138

Whitham, Curtis, Christofferson & Cook, P.C.
11491 Sunset Hills Road, Suite 340
Reston, VA 20190
703-787-9400
703-787-7557 (fax)

Customer No. 30743